Pushing and Pulling: What's Wrong with the New Draft Law on Internal Affairs?

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#ЕУ ЗА ТЕБЕ

The Draft Law on Internal Affairs from December 2022 represents a slightly improved version of its last year's predecessor. However, it still contains solutions that point to three dangerous trends: greater restrictions on the citizens' fundamental rights and freedoms, increased surveillance of the population versus fewer opportunities for public oversight of the police, and further politicisation of the police force.

This is the most extensive and most important of the six draft laws from the field of internal affairs that have been submitted for public debate from 8 December until the end of 2022. After the civil society organisations gathered in the National Convention on the European Union (NCEU) appealed that there was no sufficient time to review the proposed legal solutions in their entirety, the deadline of the public debate on two out of the six drafts was extended to 22 January 2023. At two round tables held in Novi Sad and Niš on 21 and 23 December, representatives of the Ministry of the Interior (MoI) were confronted with a number of shortcomings that are contained in the Draft Law on Internal Affairs. They tried to answer some of them at a special press conference. Representatives of the parliamentary opposition joined the civil society organisations' advocacy against bad solutions, while members of the European Parliament also intervened. As a result of these efforts, on December 26 the Government of Serbia decided to withdraw the Draft Law on Internal Affairs (hereinafter referred to as: the Draft) and the Draft Law on Data Processing and Records in the Field of Internal Affairs. The deadline for submitting comments and suggestions remained unchanged for the remaining four laws from the New Year's package.[1]

Belgrade Centre for Security Policy (member of the prEUgovor coalition) participated in several meetings the MoI organised to improve the previous Draft Law on Internal Affairs, which had been withdrawn from the procedure in September 2021. The meetings were focused on the processing of biometric personal data. However, a consensus among the participants was not reached and other important topics, which the prEUgovor coalition had already pointed out, were ignored. In 2022, the participants were presented with two versions of the new draft assessment of the impact[2] the use of facial recognition technologies will have on personal data protection, but they were never informed about the solutions contained in the drafts of two new laws on which the MoI was working in parallel.

Although the Draft Law on Internal Affairs regulates matters that are important for the respect and protection of human rights (Chapter 23) and crucial for the implementation of police reform (Chapter 24), the Draft's already brief explanation does not refer at all to Serbia's obligations from these two Chapters' Action Plans. The current Law on Police was adopted in 2016 and has already been amended twice. The prEUgovor coalition notes that the proposed statutory solutions continue the worrying trends that were observed in the security sector of the Republic of Serbia in the previous period.

The members of the prEUgovor coalition will monitor the further process of drafting this and related laws and provide detailed comments and suggestions for improving disputed provisions. The initial recommendation to the MoI was to start from scratch due to the Draft's numerous and essential shortcomings. However, the Government insisted that such an option was not acceptable to them. In this brief alert, the prEUgovor coalition will briefly point out which provisions are especially problematic, and why, appealing to the MoI and the public of Serbia to pay particular attention to them in the coming period.

Some of the disputed provisions were discussed at the meeting the representatives of the civil society held with the Prime Minister, Ministers of Internal Affairs and European Integration, and representatives of the MoI and the Ministry of Justice on 23 January 2023 within the framework of the NCEU. The revised Draft Law on Internal Affairs was presented on that occasion; some of the most problematic provisions were eliminated or changed, and there was a demonstration of readiness for a mutual exchange of arguments. The Prime Minister suggested that the dialogue on the Draft be continued during the following month, after which the official public debate on this act would be reopened.

Fundamental human rights under attack by the police

With its provisions governing mass biometric surveillance in public areas, entry into apartments and the prohibition of movement, the once-again withdrawn Draft Law on Internal Affairs threatened primarily the right to privacy and the enjoyment of fundamental political freedoms, while the catalogue of means of coercion available to the police was expanded.

1 Draft amendments and supplements to the Law on Asylum and Temporary Protection, the Law on the National DNA Registry and the Law on Arms and Ammunition, regarding which the public debate lasted until 28 December, and the Law on Road Traffic Safety, regarding which the public debate lasted until 31 December 2022.

2 Two prior impact assessments, from 2019 and 2020, were assessed by the Commissioner for Information of Public Importance and Personal Data Protection as unsatisfactory.

The exercise of freedom of assembly is politicised in the Draft's Article 15. The decision on the temporary prohibition of movement in certain places is transferred to the Government, which now assesses – without any prescribed criteria or security evaluation – that "there is no other way to ensure public order and peace or to protect people's health and lives". This provision belongs in the Law on Disaster Risk Reduction and Emergency Management, and the limitation of the right should be specified more precisely: while the reasons last, and for no longer than 7 days. The Constitution stipulates that during a state of emergency or war, the Government takes decisions to temporarily restrict certain fundamental rights and freedoms by decree. In regular situations, which are governed by the Law on Public Assembly, this decision must be professional and not political, given that citizens generally take to the streets to protest against the government. The position of the representatives of the government and the actions of police officers during the mass protests of July 2020 and the end of 2021 further emphasise the importance of this issue.

The police will be able to use a variety of means of coercion on gathered citizens, including rubber bullets ("means for temporarily incapacitating the person" – Article 133) and sound cannons ("devices emitting sound waves" – Article 134), while against individuals they will be able to also use the means of immediate tying ("specially constructed device that, by force of pressure, ejects a rope with metal ends used for tying the person" – Article 121). After several incidents that led to excessive injuries to civilians, the use of rubber bullets was abolished back in 2008. Although extremely imprecise and carrying a high risk of ricocheting, rubber bullets are intended to be applied to groups of persons, so the prohibition of targeting people's heads and necks seems insufficient. Even more indiscriminate is the sound cannon, which can cause nausea, disorientation and permanent damage to hearing, and has been banned in New York since 2021 due to excessive consequences. For certain means of coercion such as the official baton (Article 123), it is not specified that it can be used only on persons who offer active (and not passive) resistance. It is not clear how it will be ensured that the application of these devices does not lead to excessive and serious injuries to citizens. It is not stipulated that the technical and other features of the coercive means will be regulated by a secondary legal act, which is what the Ombudsman recommended back in 2017. In the meantime, the means for immediate tying and the use of sound cannons have been removed from the Draft.

With regard to the guarantees of protection against torture and other forms of ill-treatment by police officers, the Draft missed the opportunity to introduce audio-visual recording of citizens' statements to the police, and abolished the right of a person handled by the police to demand the presence of a person he/she trusts, which person does not necessarily have to be an attorney (Article 57). The latter provision was subsequently corrected. The Draft also envisages one unjustified novelty; namely, a person who has not responded to a written summons by the police for an interview can be brought to the police station by force (Article 72, paragraph 6) regardless of the reason for the summons; however, s/he must be warned in advance that this could happen. As for certain obligations of a police officer that directly affect the rights of citizens – for example, to present himself before exercising his powers (Article 57-58), or to search an apartment in the presence of witnesses (Article 92) – there is an exception that can be broadly interpreted: if that is necessary for the execution of a police task.

The inviolability of the apartment, as one of the fundamental rights protecting privacy, is threatened by Article 91 of the Draft. Namely, the Draft imposes a broad interpretation of "eliminating imminent and serious danger to people or property" as one of the grounds for entering someone's apartment without a court order, including situations when there are "reasons to suspect that a criminal offence is being prepared, being committed or has been committed". As a rule, this reason refers to fires, floods and similar disasters, while other reasons already provide for this possibility when it involves the arrest of a perpetrator of a criminal offence or a situation when someone is calling for help. As a set of facts that point to a criminal offence only indirectly, the 'reason for suspicion' represents the lowest level of suspicion. In addition, it is not specified that this has to do with the preparation of criminal acts whose preparatory activities are incriminated as well. Since these represent grounds for restricting a right that is guaranteed by the Constitution, they would have to be interpreted narrowly; such a provision, however, gives too much discretion to the police officer on the spot. It is more appropriate to regulate this matter in the Criminal Procedure Code. Under public pressure, the MoI finally deleted this article.

Paving the way for mass surveillance of the population

With this Draft, the MoI is once again trying to legalise the application of smart facial recognition technologies for population surveillance in public areas. In the last three years, a series of preparatory measures have been taken despite persistent criticism from the civil society. From the sparse information that is available to the public, we know that the state has been installing cameras with such capabilities since 2019. There are more than a thousand of them in Belgrade alone, while a total of around 8,100 are planned as part of the "Safe Society" project. The MoI claims that no accompanying software has been installed, but a license for such software has already been purchased, without any legal basis, as another illegal step towards a fait accompli. To date, the MoI has not provided any valid arguments, supported

by statistical data and analyses, that the application of this technology is necessary for the purposes for which it is intended, which is a prerequisite for any further discussion. Moreover, foreign research shows that this type of surveillance manages to reduce the number of traffic violations and cases of petty theft, but is not effective in suppressing violent and organised crime, despite the fact that this is stated as the purpose of its application. The MoI thus found itself in the midst of a paradox, where this form of surveillance has proved neither necessary nor effective in the fight against more serious forms of crime, which would be the only purpose that could justify such an invasion of privacy.

Although the originally rather broad purposes have been narrowed in the meantime (Article 68), the system still implies indiscriminate mass biometric surveillance in real time and the creation of enormous amounts of personal data in case the police should find itself in a position to justifiably need some of them in some specific case. Such processing of personal data is unacceptable from the point of view of risk to human rights and freedom, while the financial profitability of such an expensive system is also questionable. It is envisaged that the extracted biometric photos [of the faces] will be preserved for 72 hours, but the videos from which they were extracted will be kept for an entire year.[3] Apart from the protection of privacy, this also threatens the freedoms of expression and assembly, because people who know they are being monitored will hesitate to enjoy these rights, e.g. by going to anti-government protests. On the other hand, journalists are not sure how they will be able to protect their sources and whistleblowers under such conditions. These dangers are great even in developed democracies, while in countries with crippled institutions distrusted by citizens, the system is even more susceptible to abuses that go unpunished, which makes the fear of retaliation greater. In Serbia, there have already been several prominent cases of data leaks or their mysterious disappearance in criminal proceedings, as well as excessive access to telephone records without a court order.

Relevant European and global bodies such as the United Nations High Commissioner for Human Rights. the European Data Protection Supervisor and the European Data Protection Board, as well as the European Parliament have already spoken out against the use of such technology. The analogies of the Ministry of Interior regarding the application of similar technologies in developed democracies are not appropriate; they do not seem necessary based on the security threats in Serbia, nor are they a condition in the EU accession process.

The Draft also expands the provisions governing (ordinary) surveillance and recording in public places (Articles 152-154). This also constitutes mass surveillance in real time, which, in addition to videos, also preserves audio recordings. As stipulated in the accompanying Draft Law on Records in Internal Affairs (Article 12), these records are preserved for at least 30 days and no more than one year, while the explicit note that recordings will be made "without encroaching on the right to privacy of any person" has no value whatsoever. Although the police are obliged to post a notice about audio and video surveillance wherever cameras are located, there is also a possibility to simply "publicly announce the intention to use the audio and video surveillance system" (Article 152, paragraph 5). No explanation has been provided for the latter exception, and it should be deleted. Additional danger lies in the linking of the audio and video surveillance systems of the MoI with those of other authorities at all the levels of government, institutions, public enterprises and other legal entities, as well as in the fact that they will be able to access each other's data (Article 153).

The Draft expands the already too wide scope of persons who can be subjected to security check without their knowledge and consent (Article 103, Item 7). These are persons "who live, work or spend time, for other reasons, in the immediate environment of persons and facilities that are protected and provided with security detail, as well as in the immediate environment of persons who are provided with protection in the capacity of participants in criminal proceedings and persons close to them". Such a wording makes it possible to subject virtually any citizen to a security check without notice.

Missed opportunities to improve the protection of victims and the rights of minors

Although the mandatory surrender or confiscation of service weapons and other means of coercion from police officers who are suspected of having committed crimes or misdemeanours with elements of violence is worthy of praise, there are dangers that stem from these provisions' lack of precision. As for the return of official weapons, ammunition and other means of coercion (Article 51, paragraph 6) the immediate superior must not be the one who assesses the degree of threat, especially since there is no specification of the prior knowledge he/she must possess in that area. In practice, the immediate superior does need as many executors as possible as his disposal, but is also influenced by collegial and friendly ties with potentially suspected police officers. Also, the provision on the return of confiscated weapons "after the completion of criminal or misdemeanour proceedings" is incomplete without an indication of the outcome of said proceedings (Article 51, paragraph 7). We recall that a police officer does not automatically lose his job if

3 The same deadline is prescribed for another system of mass surveillance of the population that has been applied in Serbia since 2010 - Preservation of (meta) data on electronic communication

he is sentenced to a suspended sentence for the crime of domestic violence or declared as being of unsound mind.[4] Also, the expiry of the emergency measure imposed under the Law on the Prevention of Domestic Violence, which under the same provision of the Draft is a condition for returning the weapon, does not mean that the danger to the victim has ended, especially if the police officer has been repeatedly imposed an emergency measure or it has been established that there is a high risk that he will repeat his violent behaviour, i.e. that the victim of violence may die or suffer a serious injury as a result thereof.

An opportunity was missed to improve the rights of juveniles in Articles 71 and 155. It is not prescribed how to receive reports from juveniles in a way that would avoid their secondary victimisation as victims and witnesses, and to comply with the provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles. The Draft envisages polygraph testing of juveniles older than 14 years of age regardless of whether they are suspects, victims or witnesses of a criminal act.

Further politicisation of the police instead of strengthening its operational autonomy

The explanatory note accompanying the Draft Law does not mention at all the goal of strengthening the operational independence of the police from political interests and the influence of crime, which happens to be Serbia's obligation from the Action Plan for Chapter 24 and a prerequisite for all other reforms in this Chapter (Justice, Freedom and Security). The pursuit of this goal cannot be seen in certain provisions of the Draft either, as they emphasise the significant role of the Minister of the Interior (hereinafter: Minister) in contrast to the weak Police Director. Bearing in mind the previous practice, where the Minister monopolised media appearances about the actions and results of the police, as well as those about certain cases, it is especially important to ensure that the Minister does not have access to information from operational police work.

One of the most controversial provisions of the previous draft concerned the special powers of the Minister to request special reports on police work and issue mandatory instructions and professional guidelines for police work (Article 13). The added note stating that "the operational independence of the police must not be affected" thereby, does not mean anything in and of itself. There is no mention of the right of the Police Director to refuse such a request if he views it as interference in the operational work of the police, and there is no mention of the instance to which he would be able to report it. Also, chances are that the Director will rather choose not to get on the bad side of the Minister, who can submit a reasoned proposal to the Government for his dismissal (Article 35, paragraph 6). It is not prescribed what reasons could support such a proposal. Thus, the Police Director, as a professional who should be protecting the police from politics, remains unprotected in relation to the minister who is a political figure. In the meantime, the MoI has replaced "mandatory instructions and professional guidelines" in the Draft with the following wording: "The minister issues instructional acts regarding the manner of performing internal affairs".

In the future, the director will not have to come from the police. Article 35 also makes it possible for persons who "effectively worked in security affairs, in managerial positions" for 15 years to apply for this position. It is not defined anywhere what these "security affairs" are, but it is almost certain that this will pave the way for further "DB-isation"[5] of the police, that is, the transfer of personnel from the security services, which is something that is happening in other authorities as well. The MoI claims that by expanding the circle of potential candidates it is trying to ensure a higher quality of applicants, and that such a solution already exists in Montenegro. This neighbouring country has a much smaller police apparatus compared to that of Serbia, and it is difficult to believe that the Serbian police do not have a sufficient number of high-quality professionals who could be recommended for the top position. The fact that since the expiry of the mandate of Vladimir Rebić at the end of 2021 no competition has been announced for the election of a new Police Director is another indicator that this position has been marginalised in practice, and that everyone is waiting for the new law to change the selection rules. In the meantime, some of the powers of the Director have been temporarily transferred to the Minister by way of secondary legislation. In practice, the position of Deputy Director of the Police also tended to remain vacant, but was nevertheless retained in the Draft. The Deputy Director must meet the requirements for the Director, but it is not prescribed how he is elected and dismissed and what his powers are.

The Draft also allows the Minister to significantly influence staffing within the police. Although the Law on Police of 2016 has laid good foundations for human resource management, subsequent amendments and supplements have set this area back. In the current Law, employment through competition was the rule, but there were exceptions that were quite wide. Now, the

4 Legally binding [final] decision of the Second Basic Court in Belgrade K -1024/21, dated 7 October 2021, by which a police officer who committed the criminal offence under Article 194 paragraph 1 of the Criminal Code while of unsound mind was imposed only the security measure of mandatory psychiatric treatment without imprisonment.

5 Translator's *nota bene*: in Serbian, DB stands for *Državna bezbednost*, i.e. State Security in English.

competition - whether internal or public - is just one of the ways to fill job positions; it does not even have priority (Article 230). It is particularly problematic that the Minister decides on how a position will be filled. The Draft expands the list of reasons for persons to be employed without a competition, from four such reasons to 10 (Article 239), including the taking over of employees from another state, provincial or municipal body, employment of family members of the fallen members of the MoI, admission of persons with police education or one of the prescribed trainings, recipients of MoI scholarship, and employment in specific positions or for a certain period of time. Specific job positions are those that require special skills, such as divers and paratroopers, as well as deficient occupations; however, these are ultimately also decided upon by the Minister without any established criteria (Article 241). An additional problem is the granting of ranks and titles to personnel taken over from other authorities based on years of previous employment and the level of education. In this way, employees can reach management positions in the police force without having any police work experience. Such solutions open up space for corruption, party recruitment and nepotism, which in the long run could have a very negative impact on the professionalism of the police.

Although the Draft prescribes the requirements for premature and extraordinary promotion, the Minister can also promote a police officer without taking these into account if the officer "had made a significant contribution to the performance of internal affairs" (Article 261). The Draft also allows the Minister to prematurely retire police officers without their request (Article 347). This paves the way for retaliation against disloyal staff and whistleblowers, regardless of their legal protection, as has already happened in practice to date.

Reduction of transparency of the work of the Ministry of the Interior

The Draft reduces the obligations relating to the transparency of MoI's work and, in several extremely controversial provisions, seeks to protect police officers from public oversight. This attempt comes after a series of incidents in which the police acted unlawfully, especially during civil protests, where public pressure proved to be the decisive factor in pushing the institutions "to do their job".

Last year's Draft Law on Internal Affairs contained a prohibition of "publishing information about the identity of the authorised official exercising police powers" (Article 59, Paragraph 7). The new Draft softened this controversial provision to a degree (Article 59) by referring to the Law on Public Information and Media instead of the prohibition at hand. This change was interpreted as still prohibiting citizens from posting videos and photographs of the actions of police officers on social networks, away from traditional media. The fear of such a statutory solution was increased by the experiences of those who had participated in the protests in July 2020 and at the end of 2021, when it was precisely the publication of videos showing excessive use of force and other unlawful actions of police officers that increased the pressure to initiate proceedings to establish responsibility, which the Internal Control Sector at first neglected to do. In the meantime, the MoI decided to delete the entire article, but the same solution was kept in Article 168, which protects the identity of authorised officials engaged in protection and rescue activities. It should also be borne in mind here that the new Law on Public Information and Media has been in the drafting stage for quite some time now, and that it is possible that this matter will be differently regulated therein as well.

Related to the above is also the provision on the uniform; it appeared in both withdrawn Drafts and serves the same purpose – to hide the identity of police officers. In 2021, it was first stipulated that the uniform should contain "a visible marking consisting of a combination of letters and/or numbers which would serve to identify the authorised official" (Article 59, Paragraph 5). The Draft from 2022 contains an even more general provision requiring that "the main and additional parts of the uniform contain markings that can be used to determine the identity of the police officer" (Article 222, paragraph 8). The main identification factor on the uniform must remain the officer's last name, as it is easier to see and remember compared to a combination of numbers and letters. It will help citizens in filing complaints against police officers they believe have acted unlawfully. In the meantime, the MoI corrected this provision, including the last name as a mandatory mark on the uniform.

The right to file complaints is one of the ways citizens can control the work of the MoI. More detailed provisions on the complaint procedure, which are contained in the current Law on Police (Articles 234-243), have been omitted from this Draft. Instead, this procedure will be prescribed by the Minister (Article 186). It is positive that a complaint can now be filed also against a person who is not employed by the police but was otherwise engaged, and that the deadlines for filing a complaint have been adjusted. While until now there was only an objective deadline of 30 days from the disputed action, it has now been extended to one year, with a subjective deadline of 30 days from the moment the complainant learned about the disputed action. On the other hand, the reasons for the MoI not acting upon a complaint have been expanded to include unreasonable and frequent submissions and anonymous complaints. This will make it possible to ignore the complaints of persons who have repeatedly suffered police harassment and reported it each time, as well as the anonymous complaints that contain sufficient information about unlawful actions. In the meantime, the MoI accepted the latter argument and allowed the submission of anonymous complaints containing sufficient amount of information for further action.

Citizens monitor the work of the police also by inspecting the publicly available reports of the MoI and by filing requests for free access to information (Article 185). However, minor changes in the text of Article 21 of the Draft expanded the exemptions from making the work of the MoI public. The basis for the exemption is now interference with operational work, but it is not specified whose – that of the police. Similarly, the right to access to information is also excluded if it would "threaten the right to freedom and security", while the key determinant – the fact that it is a personal right – was omitted. This reason is defined too generally, and as an unspecified, vague or discretionary basis for decision-making it represents a corruption risk factor. Without explanation, the obligation to publish quarterly information on the work on the Ministry's website and to discuss them in the competent committee of the National Assembly was omitted as well. The MoI has so far ignored this obligation from Article 6, paragraph 4 of the current Law on Police, so this in fact serves to legalise a bad practice.

Provisions on the Internal Control Sector (ICS) have not been improved in the Draft. The European Commission[6] has already pointed out the insufficient independence of ICS, despite its increased capacities. According to the Draft, the head of this Sector is still accountable to the Minister, who "ensures conditions for independent internal control" (Article 187). Article 200 stipulates that the Minister controls the work of all the employees in the ICS, and that he can form a special commission for this purpose.

There are many other provisions in the Draft Law on Internal Affairs that are potentially problematic or require minor changes in wording, but were omitted here for practical reasons. Among other things, there is a need to start a debate on whether it is necessary to re-introduce secondary police school, which the Draft envisages, how to define the term 'police' and regulate the use of the name 'police', and so on.

Recommendations:

- Organise another public debate on the third, improved version of the Draft Law on Internal Affairs, with a more detailed explanation of the new legal solutions and the presentation of financial resources required for the implementation of the Law. As a supporting document, publish an assessment of how the application of biometric data processing software within the video surveillance system of the MoI will impact the protection of personal data. Then publish a detailed report on the conducted public debate and the opinions of relevant institutions on the Draft Law, such as the Ombudsman, the Commissioner for Information of Public Importance and Personal Data Protection, the Anti-Corruption Agency and the Commissioner for the Protection of Equality. Request the expertise of the relevant international bodies – the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union.
- Bearing in mind the hierarchy of laws, first proceed with the amendments and supplements to the Criminal Procedure Code (CPC), which are envisaged in the Action Plans for Chapters 23 and 24. Delete all the provisions of the Draft governing police powers in criminal proceedings, regardless of whether they were copied from the CPC or changed.
- Abandon indiscriminate mass biometric surveillance in public areas, in accordance with the recommendations of international bodies. The field of ordinary video surveillance should first be regulated by the Law on Personal Data Protection.
- Delete Article 15 and, by specifying the procedure that eliminates political discretion, regulate the prohibition of movement in the Law on Disaster Risk Reduction and Emergency Management and the Law on Public Assembly.

6 Annual Report of the European Commission on Serbia for 2020, p. 47

- Delete the means of instant tying, as well as rubber bullets and devices that emit sound waves from the catalogue of means of coercion.

- Prescribe audio-visual recording of citizens' statements to the police. Do not reduce the level of previously guaranteed rights of citizens in relation to the police in Articles 57, 59, 72 and 91-93. Delete or narrow the scope of Article 103, item 7 on persons that may be subjected to security checks.

- Correct Article 155 so that only an older juvenile can be subjected to a polygraph examination as a suspect, with the mandatory presence of a representative of the guardianship authority. Polygraph examination of juveniles as victims and witnesses should be prohibited.

- The decision to instruct a police officer to return his/her service weapon, ammunition and other means of coercion should be left to the human resources department in the MoI, after obtaining the opinion and assessment of MoI psychologists. Make Article 51, Paragraph 7 more specific.

- Prescribe that a report by a juvenile will be accepted only when there are no adults (parent, guardian or trusted person, guardianship authority, school, health institution) who could submit the report instead of said juvenile. Also, prescribe that the statement of a juvenile as a victim or witness can only be taken in the presence of a parent and representative of the guardianship authority, that is, if the report is being filed against the parents, in the presence of an adult who is trusted by the child and a representative of the guardianship authority (Article 71).

- Define the Police Directorate as a body within the Ministry to ensure the prerequisites for the operational autonomy of the police from the MoI. Prescribe the procedure for reporting political influence on the operational autonomy of the police.

- Delete Article 35, paragraph 1, item 2 which enables the selection of persons without work experience in the police for the position of Police Director. List the grounds for dismissing the Police Director. Regulate the position of Deputy Director.

- Bring back the rule of filling job positions by way of competitions. Narrow down and specify the exceptions to that rule, reducing as much as possible the space for discretionary decision-making by the Minister as a political figure in the field of human resources management.

- Specify the grounds for deviation from transparency of the MoI's work. Restore the obligation to publish quarterly information on the work and to discuss these in the competent parliamentary committee. Consider prescribing the publication of separate reports by the Police Directorate, on the results of the work of the police and the MoI, on the fulfilment of public policy goals and strategic programmes, on financing, and so on.

- Since the Law on Police does not allow for complete operational independence of the Internal Control Sector, it is necessary to carry out an analysis of the relevant provisions with the aim of limiting the political influence of the Minister, primarily in connection with his power to prescribe ways of performing internal control, provide guidelines and mandatory work instructions, as well as to control the work of the head of the ICS.

About prEUgovor

Coalition prEUgovor is a network of civil society organisations formed in order to monitor the implementation of policies relating to the accession negotiations between Serbia and the EU, with an emphasis on Chapters 23 and 24 of the Acquis. In doing so, the coalition aims to use the EU integration process to help accomplish substantial progress in the further democratisation of the Serbian society.

Members of the coalition are:

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